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Seventeenth session

SUMMARY RECORD OF THE 354th MEETING

Held at Headquarters, New York,
on Monday, 21 July 1997, at 10 a.m.

Chairperson: Ms. ABAKA
(Vice-Chairperson)

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In the absence of Ms. Khan, Ms. Abaka, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial and second periodic reports of Israel (continued) (CEDAW/C/ISR/1-2)

1. At the invitation of the Chairperson, Ms. Arad and Ms. Halperin-Kaddari (Israel) took places at the Committee table.

2. Ms. ARAD (Israel) said that, in addition to reading out further information on the issues of violence against women, education, health and employment, her delegation would provide, in writing, separate replies to each of the questions posed by the Committee members. The discussion would be limited to topics pertaining to the Convention.

3. Israel was a Jewish nation and a democratic State that guaranteed equality to all of its citizens, regardless of their religion, race or sex. All citizens and residents of Israel - Jews and non-Jews, women and men - were equal before the law and received the same protection under the law. Each social and ethnic community in Israel had the opportunity, within legal bounds, to express its uniqueness, particularly with regard to religion.

4. Israel's legal system had been developed throughout its 50-year existence, and its civil code had acquired a unique Israeli character. The judiciary, which enjoyed full independence, was headed by the Supreme Court, whose decisions were binding on lower courts. The only matters governed by religious law were those pertaining to personal status, which were generally under the jurisdiction of the religious tribunals of the various religious communities. Under some circumstances, the rulings of those tribunals were subject to Supreme Court review. Israel considered that the role of religious tribunals in governing personal status was essential to its social fabric.

5. The Knesset, Israel's parliament, drafted regular laws as well as Basic Laws. The country was moving towards the completion of the Basic Laws, which were regarded as a de facto constitution. The Supreme Court had ruled that the Basic Laws were inherently superior to regular legislation and that regular legislation found to contradict Basic Laws could be invalidated. The Basic Law of Human Dignity and Liberty included a provision to the effect that its predominance over regular laws was not retroactive, but the Supreme Court had ruled that all past and future legislation must be interpreted in accordance with the spirit of the Basic Laws.

6. Even before the Basic Laws had been enacted, tenets such as freedom of speech, equality and non-discrimination had formed the foundation for government policy and judicial decisions. Thus, even though equality and

non-discrimination were not explicitly mentioned in the Basic Law of Human Dignity and Liberty, recent Supreme Court decisions had held that equality was a basic component of human dignity. Moreover, the current process of enacting Basic Laws in constitutional form would entrench equality in explicit legal terms. Furthermore, equality and non-discrimination were well established in a number of laws, such as those on women's equal rights, equal employment opportunities and equal pay. Israel's wide-ranging legislation on women's rights, and the practical implementation thereof, were consistent with the provisions of the Convention, to which Israel attached great importance.

7. Government ministries were currently reviewing the budgetary and other aspects of the establishment and operation of the proposed national authority for the advancement of gender equality. The Knesset Committee for the Advancement of the Status of Women, which transcended political barriers, was a standing committee that interacted with non-governmental organizations. The number of women on that Committee reflected the overall number of women in the Knesset. Their parliamentary activity was party-related and not dictated by the Government.

8. Cooperation between Jewish and Arab non-governmental organizations focused mainly on the promotion of peace. Some government-financed activities, such as the operation of help centres and shelters for battered women, involved cooperation between Arab and Jewish women's organizations. Of the 89 Women's Councils, which were described in section 3.5 of the report under article 2, two were mixed Jewish-Arab councils.

9. Ms. HALPERIN-KADDARI (Israel) said that the questions posed by the Committee members seemed to presume that Israel's references to the "cultural" roots of certain misogynistic practices implied that it accepted those practices, whereas, in fact, it abhorred them. The police force, in all its courses, training sessions and contacts with field units, paid special attention to Arab women's increased risk of falling victim to "honour killings" and gender-based violence. Law enforcement and treatment authorities sought to move girls and women in danger beyond the reach of their family members, while respecting their right to privacy. The welfare system had developed an "underground railroad" to transport girls and women to safety. The police acted on the advice of social workers in cases involving minors.

10. With respect to "honour killing", which was a clear example of gender-based violence in Arab and Bedouin society, an interministerial committee had produced a report detailing the special needs that required attention within the Arab population. They included the need to confront the problem while bearing in mind the social mores surrounding it and the need for more cooperation between the police and welfare authorities. The interministerial committee had recommended that mandatory courses on domestic violence should be included in the training of social workers, jurists, health professionals, education professionals and police officers. It had also recommended follow-up on the situation of Arab women after they left shelters for battered women. The Supreme Court, for its part, had repeatedly held that violence against a female relative for the purpose of preserving family honour could not be justified by the victim's failure to obey a moral or cultural norm or by the existence of

traditional social mores that permitted inhuman violence. In a recent case, the Court had handed down a sentence of 18 years' imprisonment.

11. Restraining orders could be presented only by a court clerk or a designee of the court, and in no circumstances by a family member or party to the proceedings.

12. Four Arab women, two of whom were investigators, currently served on the police force. Police procedures, which were the same in both Arab and Jewish communities, provided that victims of sexual assault should be questioned by a female investigator with expertise in handling such cases; in the absence of a female investigator, questioning was conducted by a male investigator with similar expertise. No police officer could handle a case of domestic violence in which a friend or family member of the officer was involved, unless authorization was received from the supervising officer.

13. Since 1991, the overall budget of the Ministry of Employment and Social Welfare for combating gender-based violence against women had more than tripled in real terms, while the budget for the help centres had increased sevenfold in real terms. Those funds were used to provide assistance to all women in need, without distinction. One of the country's 12 shelters for battered women was located in an Arab village and took in only Arab women; it was the only shelter that was fully funded by the Government. All the other shelters accepted both Arab and Jewish women. Two out of approximately 20 halfway houses accommodated Arab women and girls following their stay in shelters, and the Youth Authority operated two hostels for Arab girls in distress. Arab women held 20 of the 100 posts for social workers who treated girls. In addition to a national hotline, which was financed entirely by the Government and was available to anyone in need, there were 11 local hotlines, two of which specifically served Arab communities.

14. With respect to measures to increase the severity of penalties for gender-based violent crimes, there were widely attended workshops for judges and attorneys on domestic violence, and a proposed amendment to the Penal Law would introduce mandatory minimum penalties for domestic violence offences. Workshops on domestic violence and gender issues would be expanded to reach more members of the judiciary.

15. The Be'er Sheva model of cooperation between the police and community services in dealing with cases of domestic violence was the preferred and prevalent concept in law-enforcement agencies, and was implemented in Arab as well as Jewish communities. Research was under way on the extent of gender-based violence against Arab women and on the special problems involved in implementing the 1991 Prevention of Domestic Violence Law among the Arab population. Police data on domestic violence were broken down by ethnic background and offence committed. In 1996, the police had received 13,600 complaints of spousal abuse from Jewish women and 1,367 from Arab women. In the same year, they had received 1,972 complaints of sexual offences from Jewish women and 117 from Arab women. Another source of data on violence against Arab women was the Union of Help Centres, which had reported that, in 1996, 4 per cent of all requests for assistance had come from a help centre that served only Arab women.

16. The Committee to investigate the issue of women in the police force, which was mentioned in section 12.6 of the report under article 7, was formulating recommendations on a 10-year programme to increase women's participation in the police force from 19 to 24 per cent, eliminating supposedly protective work conditions that impeded women's advancement in the force, increasing awareness among commanders and chiefs of the need for women's advancement and making more professional jobs available to women. Although efforts were being made to recruit Arab women to serve on the police force, restrictive social mores made such recruitment difficult.

17. Sixty per cent of the women in the Neve Tirza women's prison had been involved in the sex industry. A comprehensive programme had been developed to facilitate their reintegration into society. The programme included health care (primarily drug detoxification), psychological counselling (primarily for victims of sexual domestic violence) and vocational training. All inmates of Neve Tirza were allowed to keep their infant children with them in prison.

18. Ms. ARAD (Israel) said that the basic parameters for the contents and procedures of State education were determined by the Knesset. The Ministry of Education was responsible for implementing and monitoring State education. Within that Ministry, a unit headed by the Supervisor of Arab Education was responsible for maintaining the uniqueness of Arab education through instruction in the Arabic language, history, religion and culture. In addition, an Arab woman held the post of Special Director of Study Programmes for the Arab population.

19. Arabs made up 16.6 per cent of Israel's population; Arab children made up 18 per cent of the student population aged 5 to 18. The Ministry of Education's budget for kindergartens and pre-schools was the same for the Jewish and Arab populations, and the number of government-supported positions depended on the number of children in each locality. The criteria for government support of elementary schools were objective and based on the number of weekly hours for each grade. The index was computed separately for the Arab population based on the number of disadvantaged Arab students; that method resulted in an increase in the number of government-supported teaching positions. In 1995, 25 per cent of all new classrooms had been erected in the Arab-Israeli schools.

20. The Ministry of Education operated programmes in Arab communities and schools that were designed to increase the scientific and technological awareness of students and teachers. It provided funding to schools for the purchase of computers and the establishment of computer laboratories. Project mentors were assigned to each school to advise and assist in computerization programmes. Through advertisements in the Arab press, Arab students were also encouraged to participate in challenging courses in science and technology taught by university professors.

21. In addition, the Ministry of Education provided psychological assistance to schools with the number of psychologists in Arab schools having risen from 3 in 1992 to 43 in 1996. There were 10 pedagogical centres in Arab-Israeli communities which provided teachers with pedagogical services and educational materials. The "30 towns" project initiated in 1994 was intended to assist

certain localities with their educational programmes by providing advisory services to participating organizations.

22. On the subject of the high school drop-out rate among Arab girls, she said that the attendance rate for Arab girls aged 14 to 17 at schools under the supervision of the Ministry of Education had increased from 44 per cent in 1980 to 67.5 in 1994 and, since the early 1990s, had surpassed the rate for boys. The Ministry of Education had established a special committee to seek solutions to the drop-out problem among students from Arab schools. One such solution was the provision of childcare facilities, whose number in the Arab communities of Israel had increased from 21 in 1991 to 100 in 1995. Fifteen per cent of all education enforcement officers, whose duties were to minimize the number of drop-outs from elementary and secondary schools in Israel, worked in Arab schools.

23. On the subject of the elimination of stereotypes in Arab books, changes were gradually being introduced with regard to the status, role, abilities and occupations of women in order to reflect with greater sensitivity the social and cultural reality in which students and teachers alike operated. Many Arabic textbooks were translated from other languages and in that process stereotypes were replaced by messages which reflected the role and status of women in modern society. During the previous three years, Arab teachers and school principals had participated in workshops on the elimination of stereotypes.

24. On the question of study grants for Arabs, grants awarded by the Council for Higher Education were available to all students. There was a particularly high rate of participation by Arab students in the Big Brother/Sister Program, under which partial study grants were awarded. In addition, the Ministry of Education allocated grants to Arab students in specific areas of study. Also noteworthy was the steady increase in the participation of Arab women in higher education.

25. In the field of employment, the civil service did not distinguish between men and women, regardless of religion. Security checks were conducted for all potential employees, in accordance with the requirements of the security services. In recent years, however, the Civil Service Commission had taken action to increase the number of Arab employees in the civil service, including the allocation of special positions for them.

26. The principal reason for the large differences in salary between men and women was the average amount of time worked by men and women. Men devoted more than twice as much of their time to paid work as women, who devoted more of their time to unpaid work, such as housekeeping and childcare. A direct correlation existed between the number of children up to the age of 17 in a household and the amount of time that married women spent on unpaid work.

27. As for the measures being taken to promote economic and social development in poor Arab communities, the Ministry of Industry and Commerce had hired a Bedouin employee to seek employment opportunities for Bedouin residents in the southern regions of the country. The Authority for Small Businesses had opened five entrepreneurship assistance centres in Arab areas while the Ministry's Unit for Development Areas continued to develop the industrial infrastructure in Arab

population centres. Of particular note were the priority and exemption from eligibility criteria given to factories which offered work opportunities to unemployed women who had been downsized from textile factories.

28. On the subject of equality of access to health care, the Government's policy was to implement fully the principles set out in the National Health Insurance Act and a substantial effort was being made to reduce the disparities in the availability and quality of medical care, including those between Arab and Jewish populations. Delivery of services was based on the need and number of residents in a given geographical area. Since 1992, there had been continuing investment in services to the Arab population of Israel, both in terms of construction of new facilities and improved access to primary, secondary and preventive health care. In addition, a special infant mortality reduction project was being targeted primarily at the Arab and Bedouin populations.

29. Seventy family health clinics had been built throughout the country to deliver preventive health care services mainly to mothers and their children up to the age of 6. Arab nurses and physicians had been recruited to work in the facilities, which were supplemented by several mobile family health clinics serving the nomadic Bedouin tribes in the south and the Arab settlements in the north which were not recognized by the Ministry of the Interior.

30. The enactment of the National Health Insurance Law in January 1995 had vastly improved the ability of residents of areas administered by Arab local authorities to gain access to community medical care facilities. The improved access was a result of the competition among the various funds for members and the fact that most of the mainly Arab population which had formerly been uninsured were currently covered by the new Law.

31. There was an annual budget earmarked for public health services to Bedouin, including mobile clinics for the nomadic population, whose nomadic life made it very difficult to supply a full range of services. Since most Bedouin were married to very close relatives, the rate of congenital defects was very high, and that explained half their infant mortality rate. Ministry of Health data showed an improvement in the ability of Bedouin to gain access to health services. Between 1994 and 1996, a three-phase programme had been implemented to build family health clinics for the Arab population at a total cost of nearly $10 million, and there were plans for additional clinics. The construction of 13 family and dental health clinics in Druze and Circassian settlements had begun in 1996 through a special Ministry of Finance budget allocation. The Ministry of Health was endeavouring to deliver health care to people in villages and other settlements not recognized by the Ministry of the Interior.

32. No information was compiled on poverty by sex. The number of Arab households with an income below the poverty line had been 31 per cent in 1995, compared with 38.5 per cent in 1994.

33. Ms. ARAD (Israel) said that since personal status was governed in Israel by religious law, the prospects of Israel withdrawing its reservation to article 16 were slim. However, the civil system had succeeded in circumventing some of the

difficulties that the religious laws posed for women and there had been a gradual removal of issues from the jurisdiction of religious tribunals.

34. Since marriage and divorce were governed by religious law, mixed marriages could be conducted only insofar as they were permitted by the various religions. Mixed marriages conducted abroad were recognized by the State. Civil family courts had jurisdiction over mixed marriages; jurisdiction over the dissolution of such marriages was subject to the discretion of the Chief Justice of the Supreme Court, who determined which court - civil or religious - should handle specific cases.

35. Jurisdiction in family matters had been transferred from district and magistrate civil courts to the newly established family courts. The division of powers between the civil and religious systems had therefore remained intact. Women had access to family courts for matters in which they had previously had access to civil courts.

36. Under the 1971 Adoption Law, adoption was permitted only for married couples of the same religion as the adoptee. The situation was somewhat different in the case of transnational adoption.

37. Under article 181 of the Penal Law, non-consensual divorce was a criminal offence. Since marriage and divorce were governed by religious law, penal law could not invalidate a divorce which had taken effect in accordance with religious law, but it could designate such an act a criminal offence. The religious courts were required to report cases such as non-consensual divorce, polygamy and child marriages to the law enforcement agencies. The rate of indictments for polygamy had increased from 4 cases in 1995 to 13 in 1996.

38. The CHAIRPERSON commended the responses, but said that the format of the replies made it difficult for the Committee to determine whether all its questions had been addressed.

39. Ms. ARAD (Israel) said that her delegation had prepared a written statement of its replies in question and answer format, which was available to the Committee. It had not wanted to include a tedious repetition of the questions in its oral presentation, and had therefore extracted the most important information.

40. Ms. BUSTELO GARCÍA DEL REAL stressed the importance of Israel withdrawing its reservations to the Convention; it was difficult to implement the Convention fully without full equality in private and family relations. Moreover, Israel should clearly establish in its basic legislation the principle of equality and prohibition of discrimination.

41. Israel needed to intensify its efforts to reduce the differences between Jewish and non-Jewish women in Israel in terms of access to employment and also participation in such spheres as politics and higher education. In that connection, she was particularly concerned about the low percentage of women in political decision-making posts.

42. It would be worth establishing a unit of the public administration to promote and coordinate policies for equality; the Israeli Government also needed to approve an integral policy for the implementation of the Convention and the Beijing Platform for Action.

43. She hoped that full peace would soon be achieved, which would help all women in Israel.

44. Ms. AOUIJ said that there seemed to be a regression in the oral replies as compared with the report, since there had been no mention of the existence of Palestinian women. That attitude did not encourage dialogue or help defuse the situation, advance the peace process or reduce the many types of discrimination faced by Palestinian women and children in Israel and in the occupied territories, where the situation had sharply deteriorated. The purpose of submitting reports was to engage in frank and constructive dialogue with the Committee, but she did not feel that such a dialogue had been achieved.

45. Ms. JAVATE DE DIOS said that more detailed replies could have been provided to some questions, especially with regard to Arab, Palestinian and Bedouin women. There had been a frank recognition of the inadequacy of personnel trained to deal with the problem of violence against women; the efforts made to include more women in the police force, especially female Arab investigators to handle cases of violence against women, were commendable. Israel needed to pay more attention to specific forms of violence affecting the Arab population. She requested information on the impact of the laws on violence against women and the number of prosecutions made.

46. It was disturbing to learn that a high percentage of women prisoners were former prostitutes and that their children lived with them in prison; the Government of Israel should give those women more humane treatment so that they could rebuild their lives.

47. It was not clear whether sufficient resources were being allocated to finance educational efforts for the Arab population, and whether the drop-out prevention programmes were effective. More active efforts were needed to include Palestinian women in decision-making processes. Gender-disaggregated data was needed on poverty among Arab women so that their specific needs could be identified.

48. The peace talks would not be successful without the involvement of Israeli and Palestinian women; she hoped that active attempts would be made to involve them in decision-making for peace.

49. Ms. FERRER said that she was concerned about the situation of Palestinian women in the occupied areas, whose rights were being violated; a climate of peace and justice must be ensured to allow the full exercise of those rights and ensure the implementation of the Convention for all Palestinian women.

50. She hoped that the right to equality and non-discrimination would be included in the Basic Laws of the State, and that the legislation would explicitly provide for the right to equality of national minorities, including

the Palestinians, with respect for their history, religion, culture and identity.

51. Socio-economic development programmes must be formulated for the population living below the poverty line. Israel should consider the possibility of establishing a national mechanism to work for the advancement of women in Israel. Furthermore, it needed to draw up a programme of action for the implementation of the Beijing Platform for Action.

52. The CHAIRPERSON commended the representatives of Israel for their broad attempt to respond to some of the Committee's concerns. Information provided by non-governmental organizations had given the Committee a better understanding of the discrimination faced by Palestinian women. The Israeli Government had achieved much progress, especially in the spheres of education and health, but that progress had mainly benefited Jewish communities, and a very significant gap existed in all spheres in the lives of Arab women and children compared with the Jewish sector.

53. The Committee was concerned about Israel's reservation to article 16. It was also concerned that the new Basic Laws enacted in 1992 had not mentioned the right to equality as a basic right, and that when the principle of equality came into conflict with religious law, preference was always given to the latter.

54. The Government should create an environment that was conducive to the promotion of peace and the protection of the human rights of both men and women as an integral aspect of development. In particular, Israeli women must continue to use the discrimination that still existed as a unifying force in the struggle for equality for themselves and their children.

55. She noted that the delegation of Israel had just made available to the Committee written replies to the questions which had been asked. To proceed in that manner, however, would deny experts the opportunity to engage in dialogue with the delegation. She would therefore welcome the views of members on how best to proceed at the current stage.

56. Ms. CORTI said that, while the Committee welcomed innovations in its method of work that would enhance its efficiency, it would be impossible in the circumstances for experts to engage in a meaningful dialogue with the Israeli delegation, since they were unaware of the replies to the questions that had been raised.

57. Ms. ARAD expressed regret that the good intentions of the Israeli delegation had been misinterpreted. In its written replies, her delegation had not avoided the important issues which had been raised and was ready to respond to any subsidiary questions that might remain. The method which it had chosen to reply to the questions was perhaps a reflection of her delegation's lack of experience with the Committee's methods of work.

58. The CHAIRPERSON said that the Committee was not currently in a position to consider the written replies which had just been made available and would meet in a closed meeting to decide how best to proceed.

The meeting rose at 11.50 a.m.